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* December 30, 2011 Annotation Service. *

PENNSYLVANIA CONSOLIDATED STATUTES
TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE
PART VIII. CRIMINAL PROCEEDINGS
CHAPTER 97. SENTENCING
SUBCHAPTER H. REGISTRATION OF SEXUAL OFFENDERS

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42 Pa.C.S. § 9799.10 (2011)

§ 9799.10. Purposes of subchapter. [Effective December 20, 2012]

This subchapter shall be interpreted and construed to effectuate the following purposes:

(1) To bring the Commonwealth into substantial compliance with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, *120 Stat. 597*).

(2) To require individuals convicted of certain sexual offenses to register with the Pennsylvania State Police and to otherwise comply with this subchapter if those individuals reside within this Commonwealth, intend to reside within this Commonwealth, attend an educational institution within this Commonwealth or are employed or conduct volunteer work within this Commonwealth.

(3) To require individuals convicted of certain sexual offenses who fail to maintain a residence and are therefore homeless but can still be found within the borders of this Commonwealth to register with the Pennsylvania State Police.

(4) To require individuals who are currently subject to the criminal justice system of this Commonwealth as inmates, supervised with respect to probation or parole or registrants under this subchapter to register with the Pennsylvania State Police and to otherwise comply with this subchapter. To the extent practicable and consistent with the requirements of the Adam Walsh Child Protection and Safety Act of 2006, this subchapter shall be construed to maintain existing procedures regarding registration of sexual offenders who are subject to the criminal justice system of this Commonwealth.

(5) To provide a mechanism for members of the general public to obtain information about certain sexual offenders from a public internet website and to include on that internet website a feature which will allow a member of the public to enter a zip code or a geographic radius and determine whether a sexual offender resides within that zip code or radius.

(6) To provide a mechanism for law enforcement entities within this Commonwealth to obtain information about certain sexual offenders and to allow law enforcement entities outside this Commonwealth, including those within the

Federal Government, to obtain current information about certain sexual offenders.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.11 (2011)

§ 9799.11. Legislative findings and declaration of policy. [Effective December 20, 2012]

(a) *Legislative findings.* --The General Assembly finds as follows:

(1) In 1995 the General Assembly enacted the act of October 24, 1995 (1st Sp.Sess. P.L. 1079, No. 24), commonly referred to as Megan's Law. Through this enactment, the General Assembly intended to comply with legislation enacted by Congress requiring that states provide for the registration of sexual offenders. The Federal statute, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Public Law 103-322, *42 U.S.C. 14071 et seq.*), has been superseded by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, *120 Stat. 597*).

(2) This Commonwealth's laws regarding registration of sexual offenders need to be strengthened. The Adam Walsh Child Protection and Safety Act of 2006 provides a mechanism for the Commonwealth to increase its regulation of sexual offenders in a manner which is nonpunitive but offers an increased measure of protection to the citizens of this Commonwealth.

(3) If the public is provided adequate notice and information about sexual offenders, the community can develop constructive plans to prepare for the presence of sexual offenders in the community. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to residents, particularly children.

(4) Sexual offenders pose a high risk of committing additional sexual offenses, and protection of the public from this type of offender is a paramount governmental interest.

(5) Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

(6) Release of information about sexual offenders to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

(7) Knowledge of whether a person is a sexual offender could be a significant factor in protecting oneself and one's family members, or those in care of a group or community organization, from recidivist acts by such offenders.

(8) The technology afforded by the internet and other modern electronic communication methods makes this information readily accessible to parents, minors and private entities, enabling them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk.

(b) *Declaration of policy.* --The General Assembly declares as follows:

(1) It is the intention of the General Assembly to substantially comply with the Adam Walsh Child Protection and Safety Act of 2006 and to further protect the safety and general welfare of the citizens of this Commonwealth by providing for increased regulation of sexual offenders, specifically as that regulation relates to registration of sexual offenders and community notification about sexual offenders.

(2) It is the policy of the Commonwealth to require the exchange of relevant information about sexual offenders among public agencies and officials and to authorize the release of necessary and relevant information about sexual offenders to members of the general public as a means of assuring public protection and shall not be construed as punitive.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.12 (2011)

§ 9799.12. Definitions. [Effective December 20, 2012]

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Approved registration site." A site in this Commonwealth approved by the Pennsylvania State Police:

(1) at which individuals subject to this subchapter may register, update and verify information or be fingerprinted and photographed as required by this subchapter;

(2) which is capable of submitting fingerprints utilizing the integrated automated fingerprint identification system or in another manner and in the form as the Pennsylvania State Police shall require; and

(3) which is capable of submitting photographs in the form as the Pennsylvania State Police shall require.

"Board." The state Sexual Offenders Assessment Board.

"Common interest community." Includes a cooperative, a condominium and a planned community where an individual by virtue of an ownership interest in any portion of real estate is or may become obligated by covenant, easement or agreement imposed upon the owner's interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of any part of the real estate other than the portion or interest owned solely by the individual.

"Convicted." Includes conviction by entry of plea of guilty or nolo contendere, conviction after trial and a finding of not guilty due to insanity or of guilty but mentally ill.

"Employed." Includes a vocation or employment that is full time or part time for a period of time exceeding four days during a seven-day period or for an aggregate period of time exceeding 14 days during any calendar year, whether self-employed, volunteered, financially compensated, pursuant to a contract or for the purpose of governmental or educational benefit.

"Foreign country." Includes Canada, the United Kingdom, Australia, New Zealand and a foreign country where the United States Department of State in the Country Reports on Human Rights Practices has concluded that an independent judiciary enforced the right to a fair trial in that country during the calendar year in which the individual's conviction occurred.

"IAFIS." The Integrated Automated Fingerprint Identification System.

"Integrated Automated Fingerprint Identification System." The national fingerprint and criminal history system maintained by the Federal Bureau of Investigation providing automated fingerprint search capabilities, latent searching capability, electronic image storage and electronic exchange of fingerprints and responses.

"Jurisdiction." A state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands and a federally recognized Indian Tribe as provided in section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, *42 U.S.C. § 16927*).

"Juvenile offender." One of the following:

(1) An individual who was 14 years of age or older at the time the individual committed an offense which, if committed by an adult, would be classified as an offense under *18 Pa.C.S. § 3121* (relating to rape), 3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault) or an attempt, solicitation or conspiracy to commit an offense under *18 Pa.C.S. § 3121, 3123 or 3125* and either:

(i) is adjudicated delinquent for such offense on or after the effective date of this section; or

(ii) has been adjudicated delinquent for such offense and, on the effective date of this section, is subject to the jurisdiction of the court, including commitment to an institution or facility set forth in section 6352(a)(3) (relating to a disposition of delinquent child).

(2) An individual who was 14 years of age or older at the time the individual committed an offense similar to an offense under *18 Pa.C.S. § 3121, 3123 or 3125* or an attempt, solicitation or conspiracy to commit an offense similar to an offense under *18 Pa.C.S. § 3121, 3123 or 3125* under the laws of the United States, another jurisdiction or a foreign country and was adjudicated delinquent for such an offense.

The term does not include a sexually violent delinquent child.

"Mental abnormality." A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

"Military offense." An offense specified by the United States Secretary of Defense under *10 U.S.C. § 951* (relating to establishment; organization; administration).

"Minor." Any individual under 18 years of age.

"Municipality." A city, borough, incorporated town or township.

"NCIC." The National Crime Information Center.

"Penetration." Includes any penetration, however slight, of the genitals or anus or mouth of another person with a part of the person's body or a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

"Predatory." An act directed at a stranger or at a person with whom a relationship has been initiated, established,

maintained or promoted, in whole or in part, in order to facilitate or support victimization.

"Registry." The statewide registry of sexual offenders established in section 9799.16(a)(relating to registry).

"Residence." A location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year. The term includes a residence which is mobile, including a houseboat, mobile home, trailer or recreational vehicle.

"Sexual offender." An individual required to register under this subchapter.

"Sexually violent delinquent child." As defined in section 6402 (relating to definitions).

"Sexually violent offense." An offense specified in section 9799.14 (relating to sexual offenses and tier system) as a Tier I, Tier II or Tier III sexual offense.

"Sexually violent predator." An individual convicted of an offense specified in:

(1) section 9799.14(b)(1), (2), (3), (4), (5), (6), (7), (8), (9) or (10)(relating to sexual offenses and tier system) or an attempt, conspiracy or solicitation to commit any offense under section 9799.14(b)(1), (2), (3), (4), (5), (6), (7), (8), (9) or (10);

(2) section 9799.14(c)(1), (1.1), (1.2), (2), (3), (4), (5) or (6) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(c)(1), (1.1), (1.2), (2), (3), (4), (5) or (6); or

(3) section 9799.14(d)(1), (2), (3), (4), (5), (6), (7), (8) or (9) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(d)(1), (2), (3), (4), (5), (6), (7), (8) or (9) who is determined to be a sexually violent predator under section 9799.24 (relating to assessments) due to a mental abnormality or personality disorder that makes the individual likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator where the determination occurred in another jurisdiction, a foreign country or by court martial.

"Student." An individual who is enrolled in or attends a public or private educational institution within this Commonwealth on a full-time or part-time basis, including a secondary school, trade or professional institution or institution of higher education. The term does not include an individual enrolled in an educational institution exclusively through the internet or via correspondence courses.

"Temporary lodging." The specific location, including street address, where a sexual offender is staying when away from the sexual offender's residence for seven or more days.

"Tier I sexual offense." An offense specified in section 9799.14(b)(relating to sexual offenses and tier system).

"Tier II sexual offense." An offense specified in section 9799.14(c)(relating to sexual offenses and tier system).

"Tier III sexual offense." An offense specified in section 9799.14(d)(relating to sexual offenses and tier system).

"Transient." An individual required to register under this subchapter who does not have a residence but nevertheless resides in this Commonwealth in a temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.13 (2011)

§ 9799.13. Applicability. [Effective December 20, 2012]

The following individuals shall register with the Pennsylvania State Police as provided in sections 9799.15 (relating to period of registration), 9799.19 (relating to initial registration) and 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police) and otherwise comply with the provisions of this subchapter:

(1) An individual who, on or after the effective date of this section, has been convicted of a sexually violent offense and who has a residence within this Commonwealth or is a transient.

(1.1) An individual who, on or after the effective date of this section, has been convicted of a sexually violent offense in this Commonwealth and does not have a residence in this Commonwealth and:

(i) is employed in this Commonwealth; or

(ii) is a student in this Commonwealth.

(2) An individual who, on or after the effective date of this section, is an inmate in a State or county correctional institution of this Commonwealth, including a community corrections center or a community contract facility, is being supervised by the Pennsylvania Board of Probation and Parole or county probation or parole or is subject to a sentence of intermediate punishment and has been convicted of a sexually violent offense.

(2.1) An individual who, on or after the effective date of this section, is an inmate in a Federal correctional institution or is supervised by Federal probation authorities and has committed a sexually violent offense.

(3) An individual who is required to register with the Pennsylvania State Police under this subchapter prior to the effective date of this section who has not fulfilled the period of registration as of the effective date of this section.

(4) An individual who was required to register with the Pennsylvania State Police pursuant to former section 9795.1 and:

42 Pa.C.S. § 9799.13

(i) has fulfilled the period of registration provided in former section 9795.1(a)(relating to registration) or has been removed from the registry under former section 9795.5 (relating to exemption from certain notifications); and

(ii) on or after the effective date of this section, is convicted of a sexually violent offense or convicted of an offense graded as a felony.

(4.1) An individual who was required to register under this subchapter and has fulfilled the period of registration provided in this subchapter and who, on or after the effective date of this section, is convicted of a sexually violent offense or of an offense graded as a felony.

(5) An individual who, on or after the effective date of this section, was required to register with the Pennsylvania State Police pursuant to this subchapter and:

(i) has fulfilled the period of registration provided in this subchapter; and

(ii) on or after the effective date of this section, is convicted of an offense graded as a felony.

(6) An individual who, on or after the effective date of this section, was required to register with the Pennsylvania State Police pursuant to this subchapter and:

(i) has been removed from the registry pursuant to section 9799.17 (relating to termination of period of registration) for juvenile offenders; and

(ii) is subsequently convicted of an offense graded as a felony.

(7) An individual who, on or after the effective date of this section, is required to register in a sexual offender registry in another jurisdiction or in a foreign country based upon a conviction for a sexually violent offense or under a sexual offender statute in the jurisdiction where the individual is convicted and:

(i) has a residence in this Commonwealth or is a transient;

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

(7.1) An individual who, on or after the effective date of this section, is required to register in a sexual offender registry in another jurisdiction or foreign country based upon a conviction of a sexual offense which is not classified as a sexually violent offense and:

(i) has a residence in this Commonwealth;

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

(8) An individual who, on or after the effective date of this section, is a juvenile offender who was adjudicated delinquent within this Commonwealth or was adjudicated delinquent in another jurisdiction or a foreign country and:

(i) has a residence within this Commonwealth;

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

(9) An individual who, on or after the effective date of this section, is a sexually violent delinquent child who is committed for involuntary treatment or, on the effective date of this section, is under commitment receiving involuntary treatment in the state-owned facility or unit as set forth in chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.14 (2011)

§ 9799.14. Sexual offenses and tier system. [Effective December 20, 2012]

(a) *Tier system established.* --Sexual offenses shall be classified in a three-tiered system composed of Tier I sexual offenses, Tier II sexual offenses and Tier III sexual offenses.

(b) *Tier I sexual offenses.* --The following offenses shall be classified as Tier I sexual offenses:

(1) *18 Pa.C.S. § 2902(b)* (relating to unlawful restraint).

(2) *18 Pa.C.S. § 2903(b)* (relating to false imprisonment).

(3) *18 Pa.C.S. § 2904* (relating to interference with custody of children).

(4) *18 Pa.C.S. § 2910* (relating to luring a child into a motor vehicle or structure).

(5) *18 Pa.C.S. § 3124.2(a)* (relating to institutional sexual assault).

(6) *18 Pa.C.S. § 3126(a)(1)* (relating to indecent assault).

(7) (Reserved).

(8) *18 Pa.C.S. § 6301(a)(1)(ii)* (relating to corruption of minors).

(9) *18 Pa.C.S. § 6312(d)* (relating to sexual abuse of children).

(10) *18 Pa.C.S. § 7507.1* (relating to invasion of privacy).

(11) *18 U.S.C. § 1801* (relating to video voyeurism).

(12) *18 U.S.C. § 2252* (relating to certain activities relating to material involving the sexual exploitation of minors).

(13) *18 U.S.C. § 2252A* (relating to certain activities relating to material constituting or containing child pornography).

(14) *18 U.S.C. § 2252B* (relating to misleading domain names on the internet).

(15) *18 U.S.C. § 2252C* (relating to misleading words or digital images on the internet).

(16) *18 U.S.C. § 2422(a)* (relating to coercion and enticement).

(17) *18 U.S.C. § 2423(b)* (relating to transportation of minors).

(18) *18 U.S.C. § 2423(c)*.

(19) *18 U.S.C. § 2424* (relating to filing factual statement about alien individual).

(20) *18 U.S.C. § 2425* (relating to use of interstate facilities to transmit information about a minor).

(21) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country.

(22) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20) or (21).

(c) *Tier II sexual offenses.* --The following offenses shall be classified as Tier II sexual offenses:

(1) *18 Pa.C.S. § 3122.1(a)(2)* (relating to statutory sexual assault).

(1.1) *18 Pa.C.S. § 3124.2(a.2)* and (a.3) (relating to institutional sexual assault).

(1.2) *18 Pa.C.S. § 3126(a)(2)*, (3), (4), (5), (6) or (8).

(2) *18 Pa.C.S. § 5902(b.1)* (relating to prostitution and related offenses).

(3) *18 Pa.C.S. § 5903(a)(3)(ii)*, (4)(ii), (5)(ii) or (6) (relating to obscene and other sexual materials and performances).

(4) *18 Pa.C.S. § 6312(b)* and (c) (relating to sexual abuse of children).

(5) *18 Pa.C.S. § 6318* (relating to unlawful contact with minor).

(6) *18 Pa.C.S. § 6320* (relating to sexual exploitation of children).

(7) *18 U.S.C. § 1591* (relating to sex trafficking of children by force, fraud, or coercion).

(8) *18 U.S.C. § 2243* (relating to sexual abuse of a minor or ward).

(9) *18 U.S.C. § 2244* (relating to abusive sexual contact).

(10) *18 U.S.C. § 2251* (relating to sexual exploitation of children).

(11) *18 U.S.C. § 2251A* (relating to selling or buying of children).

(12) *18 U.S.C. § 2252*.

(13) *18 U.S.C. § 2260* (relating to production of sexually explicit depictions of a minor for importation into the United States).

- (14) *18 U.S.C. § 2421* (relating to transportation generally).
 - (15) *18 U.S.C. § 2422(b)*.
 - (16) *18 U.S.C. § 2423(a)*.
 - (17) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country.
 - (18) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16) or (17).
- (d) *Tier III sexual offenses.* --The following offenses shall be classified as Tier III sexual offenses:
- (1) *18 Pa.C.S. § 2901(a.1)* (relating to kidnapping).
 - (2) *18 Pa.C.S. § 3121* (relating to rape).
 - (3) *18 Pa.C.S. § 3122.1(b)* (relating to statutory sexual assault).
 - (4) *18 Pa.C.S. § 3123* (relating to involuntary deviate sexual intercourse).
 - (5) *18 Pa.C.S. § 3124.1* (relating to sexual assault).
 - (6) *18 Pa.C.S. § 3124.2(a.1)*.
 - (7) *18 Pa.C.S. § 3125* (relating to aggravated indecent assault).
 - (8) *18 Pa.C.S. § 3126(a)(7)* (relating to indecent assault).
 - (9) *18 Pa.C.S. § 4302(b)* (relating to incest).
 - (10) *18 U.S.C. § 2241* (relating to aggravated sexual abuse).
 - (11) *18 U.S.C. § 2242* (relating to sexual abuse).
 - (12) *18 U.S.C. § 2244*.
 - (13) A comparable military offense or similar offense under the laws of another jurisdiction or country.
 - (14) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) or (13).
 - (15) An offense listed as a Tier II sexual offense where there is a subsequent conviction for an offense graded as a felony.
 - (16) Two or more convictions of offenses listed as Tier I or Tier II sexual offenses.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.15 (2011)

§ 9799.15. Period of registration. [Effective December 20, 2012]

(a) *Period of registration.* --Subject to subsection (c), an individual specified in section 9799.13 (relating to applicability) shall register with the Pennsylvania State Police as follows:

- (1) An individual convicted of a Tier I sexual offense shall register for a period of 15 years.
- (2) An individual convicted of a Tier II sexual offense shall register for a period of 25 years.
- (3) An individual convicted of a Tier III sexual offense shall register for the life of the individual.
- (4) A juvenile offender shall register for the life of the individual.
- (5) A sexually violent delinquent child shall register for the life of the individual.
- (6) A sexually violent predator shall register for the life of the individual.

(7) An individual subject to registration under section 9799.13 shall register for the period of time equal to the time for which the individual was required to register in another jurisdiction or foreign country.

(b) *Commencement of registration.* --The following apply:

(1) The period of registration set forth in subsection (a) shall commence as follows:

(i) For an individual convicted of a sexually violent offense in this Commonwealth, the period of registration shall commence upon:

(A) release from incarceration in a State or county correctional facility, including release to a community correction center or community contract facility;

(B) parole or a sentence of probation; or

(C) a sentence of State or county intermediate punishment in which the person is not sentenced to a period of incarceration.

(ii) For an individual who is a juvenile offender, the period of registration shall commence upon:

(A) release from an institution or facility set forth in section 6352(a)(3)(relating to disposition of delinquent child), if the juvenile offender is, on or after the effective date of this section, subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is under court-ordered placement in an institution or facility set forth in section 6352(a)(3); or

(B) disposition, if the juvenile offender is, on or after the effective date of this section, subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is placed on probation or is otherwise subject to jurisdiction of a court pursuant to a disposition under section 6352 that did not involve out-of-home placement.

(iii) For a sexually violent delinquent child, the period of registration shall commence upon transfer to involuntary outpatient treatment pursuant to section 6401.1 (relating to transfer to involuntary outpatient treatment).

(iv) For an individual who is convicted of a sexually violent offense in another jurisdiction or foreign country or a comparable military offense, the period of registration shall commence upon establishment of a residence or commencement of employment or enrollment as a student within this Commonwealth. This subparagraph shall apply to an individual convicted of a sexually violent offense in another jurisdiction or foreign country or comparable military offense and who is a transient.

(2) Notwithstanding the provisions of paragraph (1), an individual specified in section 9799.13 shall initially register with the Pennsylvania State Police as set forth in section 9799.19 (relating to initial registration).

(c) *Period of registration tolled.* --The following shall apply:

(1) The period of registration set forth in subsection (a) shall be tolled for the period of time in which the individual specified in section 9799.13 is:

(i) incarcerated in a State or county correctional institution, excluding a community contract facility or community corrections center;

(ii) subject to a sentence of intermediate punishment which is restrictive and where the individual is sentenced to a period of incarceration;

(iii) committed to an institution or facility set forth in section 6352(a)(3); or

(iv) committed to and receiving involuntary inpatient treatment in the State-owned facility or unit set forth in chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).

(2) This subsection shall apply to an individual specified in section 9799.13 who is recommitted to a State or county correctional institution for a parole violation or who has been sentenced to an additional term of imprisonment. In the case of recommitment, the Department of Corrections or the county correctional facility shall notify the Pennsylvania State Police of the admission of the individual.

(d) *Sexually violent predators.* --An individual convicted of a Tier I sexual offense, a Tier II sexual offense or a Tier III sexual offense who is determined to be a sexually violent predator under section 9799.24 (relating to assessments) shall register for the life of the individual.

(e) *Periodic in-person appearance required.* --Except as provided in subsection (f) and subject to subsections (g)

and (h), an individual specified in section 9799.13 shall appear in person at an approved registration site to provide or verify the information set forth in section 9799.16(b)(relating to registry) and to be photographed as follows:

- (1) An individual convicted of a Tier I sexual offense shall appear annually.
- (2) An individual convicted of a Tier II sexual offense shall appear semiannually.
- (3) An individual convicted of a Tier III sexual offense shall appear quarterly.
- (4) An individual required to register pursuant to section 9799.13(7.1) shall appear annually.

(f) *Sexually violent predators.* --An individual convicted of a Tier I sexual offense, a Tier II sexual offense or a Tier III sexual offense who is determined to be a sexually violent predator under section 9799.24 shall appear in person at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed quarterly.

(g) *In-person appearance to update information.* --In addition to the periodic in-person appearance required in subsection (e), an individual specified in section 9799.13 shall appear in person at an approved registration site within three business days to provide current information relating to:

- (1) A change in name, including an alias.
- (2) A commencement of residence, change in residence, termination of residence or failure to maintain a residence, thus making the individual a transient.
- (3) Commencement of employment, a change in the location or entity in which the individual is employed or a termination of employment.
- (4) Initial enrollment as a student, a change in enrollment as a student or termination as a student.
- (5) An addition and a change in telephone number, including a cell phone number, or a termination of telephone number, including a cell phone number.
- (6) An addition, a change in and termination of a motor vehicle owned or operated, including watercraft or aircraft. In order to fulfill the requirements of this paragraph, the individual must provide any license plate numbers and registration numbers and other identifiers and an addition to or change in the address of the place the vehicle is stored.
- (7) A commencement of temporary lodging, a change in temporary lodging or a termination of temporary lodging. In order to fulfill the requirements of this paragraph, the individual must provide the specific length of time and the dates during which the individual will be temporarily lodged.
- (8) A change in or termination of e-mail address, instant message address or any other designations used in internet communications or postings.
- (9) An addition, change in or termination of information related to occupational and professional licensing, including type of license held and license number.

(h) *Transients, juvenile offenders and sexually violent delinquent children.* --If the individual specified in section 9799.13 is a transient, a juvenile offender or a sexually violent delinquent child, the following apply:

- (1) If the individual is a transient, the individual shall appear in person at an approved registration site to provide or to verify the information set forth in section 9799.16(b) and to be photographed monthly. The duty to appear in person monthly and to be photographed shall apply until a transient establishes a residence. In the event a transient

establishes a residence, the requirement of periodic in-person appearances set forth in subsection (c) shall apply.

(2) If the individual is a juvenile offender, the individual shall appear at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed quarterly.

(3) If the individual is a sexually violent delinquent child, the individual shall appear at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed quarterly.

(i) *International travel.* --In addition to the periodic in-person appearance required in subsection (c), an individual specified in section 9799.13 shall appear in person at an approved registration site no less than 21 days in advance of traveling outside of the United States. The individual shall provide the following information:

(1) Dates of travel, including date of return to the United States.

(2) Destinations.

(3) Temporary lodging.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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* December 30, 2011 Annotation Service. *

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42 Pa.C.S. § 9799.16 (2011)

§ 9799.16. Registry. [Effective December 20, 2012]

(a) *Establishment.* --There is established a Statewide registry of sexual offenders in order to carry out the provisions of this subchapter. The Pennsylvania State Police shall create and maintain the registry. The registry shall maintain a complete and systematic index of all records required regarding sexual offenders in order to comply with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, *120 Stat. 597*). The registry shall:

(1) Be composed of an electronic database and digitized records.

(2) Be able to communicate with the sex offender registration and notification act exchange portal developed by the United States Department of Justice, the National Sex Offender Registry or any successor database which is maintained by the Department of Justice and the Dru Sjodin National Sex Offender Public Website maintained by the Department of Justice.

(3) Be able to communicate with sexual offender registries established in other jurisdictions.

(b) *Information provided by sexual offender.* --An individual specified in section 9799.13 (relating to applicability) shall provide the following information which shall be included in the registry:

(1) Primary or given name, including an alias used by the individual, nickname, pseudonym, ethnic or tribal name, regardless of the context used and any designations or monikers used for self-identification in Internet communications or postings.

(2) Designation used by the individual for purposes of routing or self-identification in Internet communications or postings.

(3) Telephone number, including cell phone number, and any other designation used by the individual for purposes of routing or self-identification in telephonic communications.

(4) Valid social security number issued to the individual by the federal government and purported social security

number.

(5) Address of each residence or intended residence. If the individual enters this Commonwealth and fails to maintain a residence and is therefore a transient, the individual shall provide information for the registry as set forth in paragraph (6).

(6) If the individual is a transient, the individual shall provide information about the transient's temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park. In addition, the transient shall provide a list of places the transient eats, frequents and engages in leisure activities and any planned destinations, including those outside this Commonwealth. If the transient changes or adds to the places listed under this paragraph during a 30-day period, the transient shall list these when registering as a transient during the next 30-day period. In addition, the transient shall provide the place the transient receives mail, including a post office box. If the transient has been designated as a sexually violent predator, the transient shall state whether he is in compliance with section 9799.36 (relating to counseling of sexually violent predators). The duty to provide the information set forth in this paragraph shall apply until the transient establishes a residence. In the event a transient establishes a residence, the requirements of section 9799.15(e) (relating to period of registration) shall apply.

(7) Temporary lodging. In order to fulfill the requirements of this paragraph, the individual must provide the specific length of time and the dates during which the individual will be temporarily lodged.

(8) A passport and documents establishing immigration status, which shall be copied in a digitized format for inclusion in the registry.

(9) Name and address where the individual is employed or will be employed. In order to fulfill the requirements of this paragraph, if the individual is not employed in a fixed workplace, the individual shall provide information regarding general travel routes and general areas where the individual works.

(10) Information relating to occupational and professional licensing, including type of license held and the license number.

(11) Name and address where the individual is a student or will be a student.

(12) Information relating to motor vehicles owned or operated by the individual, including watercraft and aircraft. In order to fulfill the requirements of this paragraph, the individual shall provide a description of each motor vehicle, watercraft or aircraft. The individual shall provide a license plate number, registration number or other identification number and the address of the place where a vehicle is stored. In addition, the individual shall provide the individual's license to operate a motor vehicle or other identification card issued by the Commonwealth, another jurisdiction or a foreign country so that the Pennsylvania State Police can fulfill its responsibilities under subsection (c)(7).

(13) Actual date of birth and purported date of birth.

(14) Form signed by the individual acknowledging the individual's obligations under this subchapter provided in accordance with section 9799.23 (relating to court notification and classification requirements).

(c) *Criminal justice information.* --The Pennsylvania State Police shall ensure that the following information is included in the registry:

(1) Physical description of the individual, including a general physical description and tattoos, scars and other identifying marks.

(2) Text of the statute defining the criminal offense for which the individual is registered.

(3) Criminal history record information of the individual, including:

- (i) Dates of arrests and convictions.
- (ii) Status of probation, parole or supervised release.
- (iii) Whether the individual is in compliance with requirements regarding this subchapter or has absconded.
- (iv) Existence of any outstanding warrants.

(4) Current photograph of the individual. In order to fulfill the requirements of this paragraph, in addition to the taking of photographs pursuant to section 9799.15(e), the Pennsylvania State Police shall ensure that additional photographs are taken as needed when there is a significant change in appearance of the individual, including the taking of a current photograph before the individual is released from a State or county correctional institution or an institution or facility set forth in section 6352(a)(3)(relating to disposition of delinquent child) or discharged from the State-owned facility or unit set forth in Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons), due to:

- (i) the expiration of sentence, period of commitment or involuntary treatment;
- (ii) parole or other supervised release, including release to a community corrections center or a community contract facility;
- (iii) commencement of a sentence of intermediate punishment; or
- (iv) any other form of supervised release.

(5) Set of fingerprints and palm prints of the individual. In order to fulfill the requirements of this paragraph, the palm prints shall be taken for the purpose of submission to the Federal Bureau of Investigation Central Database. The palm prints shall be submitted for entry into the database.

(6) DNA sample of the individual. In order to fulfill the requirements of this paragraph, the sample shall be taken for the purpose of analysis and entry into the combined DNA Index System (CODIS). In addition, the sample shall be analyzed and submitted for entry into CODIS.

(7) Photocopy of valid driver's license or identification card issued to the individual by the Commonwealth, another jurisdiction or a foreign country.

(d) *Cooperation.* --The Pennsylvania State Police shall cooperate with State and county correctional institutions, the Pennsylvania Board of Probation and Parole, the county office of probation and parole, any court with jurisdiction over a sexual offender, the chief juvenile probation officer of the court, juvenile probation and parole and the Department of Public Welfare to ensure that the information set forth in subsections (b) and (c) is provided and placed in the registry.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.17 (2011)

§ 9799.17. Termination of period of registration for juvenile offenders. [Effective December 20, 2012]

(a) *Juvenile offender.* --An individual who is a juvenile offender shall have the requirement to register terminated if all of the following apply:

(1) At least 25 years have elapsed since the individual was:

(i) adjudicated delinquent for an offense which, if committed by an adult, would be classified as an offense under *18 Pa.C.S. § 3121* (relating to rape), *3123* (relating to involuntary deviate sexual intercourse) or *3125* (relating to aggravated indecent assault) or an attempt, solicitation or conspiracy to commit an offense under *18 Pa.C.S. § 3121*, *3123* or *3125*, excluding time spent under the supervision of the court, including commitment to an institution or facility set forth in section 6352(a)(3)(relating to deposition of delinquent child); or

(ii) adjudicated delinquent for an offense in another jurisdiction which is similar to that which if committed by an adult in this Commonwealth would be classified as an offense under *18 Pa.C.S. § 3121*, *3123* or *3125* or an attempt, solicitation or conspiracy to commit an offense under *18 Pa.C.S. § 3121*, *3123* or *3125*.

(2) For a period of 25 years prior to the filing of the petition, the individual has not been convicted of a subsequent sexually violent offense or a subsequent offense:

(i) graded as a misdemeanor of the second degree or higher; or

(ii) which is punishable by a term of imprisonment greater than one year.

(3) The individual successfully completed court-ordered supervision without revocation.

(4) The individual successfully completed a treatment program for sexual offenders recognized by the juvenile court in this Commonwealth or another jurisdiction or the United States Attorney General under section 115(b)(1) of the Adam Walsh Child Protection and Safety Act of 2006 (*42 U.S.C. § 16915(b)(1)*).

(b) *Procedure.* --An individual who seeks to terminate the obligation to register pursuant to subsection (a) may petition the court of common pleas of the county in which the individual was adjudicated delinquent for termination. The court shall:

(1) Within 120 days of the filing of the petition under this subsection, the court shall hold a hearing to determine whether to terminate the obligation to register. The petitioner and the district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. The petitioner shall have the right to counsel and to have a lawyer appointed if the petitioner cannot afford one.

(2) The Court shall terminate the obligation to register only upon a finding of clear and convincing evidence that the petitioner has satisfied the criteria in subsection (a) and that allowing the petitioner to terminate the obligation to register is not likely to pose a threat to the safety of any other person. The burden of proof shall be on the petitioner.

(c) *Notice.* --A court granting relief under this section shall notify the Pennsylvania State Police in writing within ten days from the date relief is granted.

(d) *Right to appeal.* --The petitioner and the Commonwealth shall have the right to appellate review of the actions of the court taken under this section. An appeal by the Commonwealth shall stay the order of the court.

(e) *Prohibition.* --This section shall not apply to an individual who:

(1) Has been designated as a sexually violent predator.

(2) Has been convicted of a sexually violent offense who is required to register for a period of 15 years or a period of 25 years.

(3) Has been convicted of a sexually violent offense who is required to register for a period of life.

(4) Is a sexually violent delinquent child.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.18 (2011)

§ 9799.18. Information sharing [Effective December 20, 2012]

(a) *General rule.* --The Pennsylvania State Police shall, within three business days, transfer information provided by an individual set forth in section 9799.13 (relating to applicability) under sections 9799.15(g) and (i)(relating to period of registration), 9799.16(b)(relating to registry) and 9799.19 (relating to initial registration) to:

(1) A jurisdiction in which the individual is required to register the individual's residence, employment or enrollment as a student.

(2) A jurisdiction in which the individual has terminated the individual's residence, employment or enrollment as a student.

(3) The United States Attorney General, the Department of Justice and the United States Marshals Service for inclusion in the National Sex Offender Registry, NCIC and any other database established by such Federal agencies.

(4) The district attorney of the county in which the individual:

(i) establishes a residence or terminates a residence;

(ii) commences employment or terminates employment; or

(iii) enrolls as a student or terminates enrollment as a student.

(5) The chief law enforcement officer of the police department of the municipality in which the individual:

(i) establishes a residence or terminates a residence;

(ii) commences employment or terminates employment; or

(iii) enrolls as a student or terminates enrollment as a student.

(6) The county office of probation and parole for the county in which the individual:

- (i) establishes a residence or terminates a residence;
- (ii) commences employment or terminates employment; or
- (iii) enrolls as a student or terminates enrollment as a student.

(b) *When sexual offender fails to appear.* --When another jurisdiction notifies this Commonwealth that a sexual offender has terminated his residence, employment or enrollment as a student in that jurisdiction and intends to establish a residence in this Commonwealth, commence employment in this Commonwealth or commence enrollment as a student in this Commonwealth and that sexual offender fails to appear in this Commonwealth to register, the Pennsylvania State Police shall notify the other jurisdiction that the sexual offender failed to appear.

(c) *International residence.* --The Pennsylvania State Police shall, within three business days, transfer information that a sexual offender intends to establish residence in another country to:

- (1) A jurisdiction in which the sexual offender is required to register residence, employment or enrollment as a student.
- (2) The United States Marshals Service.
- (3) The Department of Justice for inclusion in the National Sex Offender Registry and NCIC.

(d) *International travel.* --The Pennsylvania State Police shall, within three business days, transfer information about international travel provided by the sexual offender under section 9799.15(i) to:

- (1) A jurisdiction in which the sexual offender is required to register the sexual offender's residence, employment or enrollment as a student.
- (2) The United States Marshals Service.
- (3) The Department of Justice for inclusion in the National Sex Offender Registry and NCIC.

(e) *National Child Protection Act agencies.* --The Pennsylvania State Police shall, within three business days, transfer such criminal history record information about a sexual offender in the registry necessary to enable an agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (Public Law 103-209, 42 U.S.C. 5119a) to conduct the background checks.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.19 (2011)

§ 9799.19. Initial registration. [Effective December 20, 2012]

(a) *General rule.* --An individual set forth in section 9799.13 (relating to applicability) shall initially register with the Pennsylvania State Police as set forth in this section.

(b) *Initial registration if incarcerated within Commonwealth on effective date of section.* --The following apply:

(1) If the individual is, on the effective date of this section, incarcerated in a State or county correctional facility, the individual shall provide the information set forth in section 9799.16(b) (relating to registry) to the appropriate official of the State or county correctional facility or the Pennsylvania Board of Probation and Parole for inclusion in the registry before being released due to:

(i) the expiration of sentence, in which case the information shall be collected no later than ten days prior to the maximum expiration date;

(ii) parole;

(iii) State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional institution or a work release facility; or

(iv) special probation supervised by the Pennsylvania Board of Probation and Parole.

(2) For individuals set forth in paragraph (1), the appropriate official of the State or county correctional facility or the Pennsylvania Board of Probation and Parole shall collect and forward the information in section 9799.16(b) to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information in section 9799.16(b) and (c) shall be included in the registry. With respect to individuals released under paragraphs (1)(ii), (iii) or (iv), the State or county correctional facility shall not release the individual until it receives verification from the Pennsylvania State Police that it has received the information set forth in section 9799.16(b) and (c). Verification may take place by electronic means. With respect to individuals released under paragraph (1)(i), if the individual refuses to provide the

information set forth in section 9799.16(b), the State or county correctional institution shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

(b.1) *Initial registration if sentenced to a county or State correctional facility after effective date of section.* --If the individual is, after the effective date of this section, sentenced to a period of incarceration in a county or State correctional facility, the individual shall provide the information set forth in section 9799.16(b) as follows:

(1) At the time of sentencing, the court shall require the individual to immediately report to the Office of Probation and Parole serving that county to register under this subchapter. The appropriate Office of Probation and Parole shall collect the information set forth in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police. The appropriate Office of Probation and Parole shall, in addition, ensure the information set forth in 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information in section 9799.16(b) and (c) shall be included in the registry.

(2) If the individual is incarcerated in a State correctional facility or county correctional facility, the correctional facility shall notify the Pennsylvania State Police, not more than 30 days in advance of, but not later than ten days prior to, the individual's release from the correctional facility. The following apply:

(i) The correctional facility shall ensure that the information set forth in section 9799.16(b) and (c) for the individual has been submitted to the Pennsylvania State Police.

(ii) If the information has not been submitted to the Pennsylvania State Police, the correctional facility shall collect the information set forth in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police.

(iii) The correctional facility shall also report any changes to the information set forth in section 9799.16(b) and (c) on file with the Pennsylvania State Police.

(iv) In the case of parole, State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional institution or work release facility or special probation supervised by the Pennsylvania Board of Probation and Parole, the correctional facility may not release the individual until the correctional facility receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the information set forth in section 9799.16(b) and (c). Verification by the Pennsylvania State Police may occur by electronic means.

(v) If the individual is scheduled to be released from a State or county correctional institution due to the expiration of sentence and the individual refuses to provide the information set forth in section 9799.16(b), the State or county correctional institution shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

(c) *Initial registration if sentenced to county intermediate punishment on effective date of section.* --If the individual is, on the effective date of this section, sentenced to county intermediate punishment which is restorative where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this subsection. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(d) *Initial registration if sentenced to county intermediate punishment after effective date of section.* --If the individual is, after the effective date of this section, sentenced to county intermediate punishment, the following apply:

(1) If the individual is sentenced to county intermediate punishment which is restorative, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(2) If the individual is sentenced to county intermediate punishment which is restrictive where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(e) *Initial registration if sentenced to county probation on or after effective date of section.* --If the individual is, on or after the effective date of this section, sentenced to county probation, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(f) *Initial registration if being supervised by Commonwealth under Interstate Compact for Adult Offender Supervision.* --If an individual is in this Commonwealth and is being supervised by the State Board of Probation and Parole or the county office of probation and parole pursuant to the Interstate Compact for Adult Offender Supervision, the following apply:

(1) If the individual is being supervised under the compact after the effective date of this section, the individual shall provide the information set forth in section 9799.16(b) to the appropriate official of the State Board of Probation and Parole or the county office of probation and parole for inclusion in the registry. The appropriate official shall collect the information set forth in section 9799.16(b) and forward the information to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. If the individual fails to provide the information in section 9799.16(b), the appropriate official of the State Board of Probation and Parole or county office of probation and parole shall notify the Pennsylvania State Police.

(2) If the individual is being supervised under the compact on the effective date of this section, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section. The appropriate official of the Pennsylvania Board of Probation and Parole or the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official shall notify the Pennsylvania State Police. The appropriate official shall, in addition, ensure the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police.

(g) *Supervision of individual convicted in Commonwealth who does not intend to reside in Commonwealth.* --On

or after the effective date of this section, an individual convicted of a sexually violent offense within this Commonwealth who seeks transfer of supervision to another jurisdiction pursuant to the Interstate Compact for Adult Offender Supervision, shall not have supervision transferred to another jurisdiction prior to the individual's registration with the Pennsylvania State Police as set forth in this section.

(h) *Initial registration of juvenile offender or sexually violent delinquent child.* --If the individual is a juvenile offender or a sexually violent delinquent child, the following apply:

(1) If the individual is a juvenile offender who is adjudicated delinquent by a court on or after the effective date of this section, the court shall require the individual to provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court at the time of disposition under section 6352 (relating to disposition of delinquent child). The chief juvenile probation officer shall collect the information in section 9799.16(b) and (c) and forward it to the Pennsylvania State Police for inclusion in the registry as directed by the Pennsylvania State Police. If the juvenile offender is under court-ordered placement in an institution or facility set forth in section 6352(a)(3), the institution or facility shall ensure the information provided by the juvenile offender pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The institution or facility may not release the juvenile offender until it receives verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered in the registry.

(2) If the individual is, on the effective date of this section, a juvenile offender and is subject to the jurisdiction of the court pursuant to a disposition entered under section 6352 and is on probation, the individual shall provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court within 30 days of the effective date of this section. The chief juvenile probation officer shall collect the information set forth in section 9799.16(b) and (c) and forward it to the Pennsylvania State Police for inclusion in the registry, as directed by the Pennsylvania State Police.

(3) If the individual is, on the effective date of this section, a juvenile offender and is subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is under court-ordered placement in an institution or facility set forth in section 6352, the director of the institution or facility or a designee shall make the juvenile offender available for and facilitate the collection of the information set forth in section 9799.16(b) and (c) as directed by the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the institution or facility to transport the juvenile offender to and from an approved registration site in order to fulfill the requirement of this paragraph. In order to fulfill the requirements of this paragraph, the chief juvenile probation officer of the court shall, within ten days of the effective date of this section, notify the director of the institution or facility and the Pennsylvania State Police that the juvenile offender is required to register under this subchapter. In addition, the institution or facility shall ensure that the information provided by the juvenile offender pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The juvenile offender may not be released until the institution or facility receives verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered into the registry.

(4) If the individual is, on the effective date of this section, a sexually violent delinquent child and receiving involuntary treatment in the State-owned facility or unit under Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons), the director of the facility or unit or a designee shall make the sexually violent delinquent child available for and facilitate the collection of the information set forth in section 9799.16(b) and (c) as directed by the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the facility or unit to transport the sexually violent delinquent child to and from an approved registration site in order to fulfill the requirement of this paragraph. In addition, the facility or unit shall ensure that the information provided by the sexually violent delinquent child pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The facility or unit may not transfer the sexually violent child to outpatient treatment until it has received verification from the Pennsylvania State Police that it has received the information set forth in section 9799.16(b) and (c).

(5) If the individual is, on or after the effective date of this section, determined by the court to be a sexually violent delinquent child and committed for involuntary treatment to the State-owned facility or unit under Chapter 64, the following apply:

(i) The court shall require the individual to provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court at the time of commitment. The chief juvenile probation officer shall collect and forward the information to the Pennsylvania State Police for inclusion in the registry. The chief juvenile probation officer shall, at the time of commitment, also ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the facility or unit to transport the sexually violent delinquent child to and from an approved registration site in order to fulfill the requirement of initial registration at the time of commitment.

(ii) The facility or unit shall ensure that the information provided by the sexually violent delinquent child pursuant to section 9799.16(b) is updated to reflect accurate information prior to transfer to involuntary outpatient treatment pursuant to section 6404.1 (relating to transfer to involuntary outpatient treatment) or discharge. The court may not transfer the sexually violent delinquent child to outpatient treatment or discharge the child from the facility or unit until it has received verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered in the registry.

(i) *Initial registration if convicted outside Commonwealth.* --The following apply:

(1) If the individual is, on or after the effective date of this section, convicted of a sexually violent offense in another jurisdiction or a foreign country or of a comparable military offense, the individual shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student within this Commonwealth. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15 (relating to period of registration). If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(2) If the individual is, on or after the effective date of this section, a juvenile offender as defined in paragraph (2) of the definition of "juvenile offender" in section 9799.12 (relating to definitions), the individual shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student within this Commonwealth. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15 (relating to period of registration). If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(j) *Former law and initial registration.* --If the individual was required to register under this subchapter before the effective date of this section and has not fulfilled the period of registration, the individual shall appear at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within 90 days of the effective date of this section. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.20 (2011)

§ 9799.20. Duty to inform [Effective December 20, 2012]

In order to implement the provisions of section 9799.19 (relating to initial registration), the Pennsylvania State Police, the court having jurisdiction over the sexual offender, the chief juvenile probation officer of the court and the appropriate official of the Pennsylvania Board of Probation and Parole, county office of probation and parole, the Department of Public Welfare or a State or county correctional institution shall:

- (1) Inform the individual required to register of the individual's duties under this subchapter.
- (2) Require the individual to read and sign a form stating that the duty to register has been explained and that the individual understands the registration requirement.
- (3) Collect the information required under section 9799.16 (b) and (c)(relating to registry) and forward the information to the Pennsylvania State Police for inclusion in the registry as set forth in this subchapter.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.21 (2011)

§ 9799.21. Penalty [Effective December 20, 2012]

An individual set forth in section 9799.13 (relating to applicability) may be subject to prosecution under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements) if the individual fails to:

(1) register with the Pennsylvania State Police as set forth in section 9799.15 (relating to period of registration), 9799.19 (relating to initial registration) or 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police);

(2) verify the information provided by the individual or be photographed as provided in sections 9799.15, 9799.19 and 9799.25; or

(3) provide accurate information when registering under sections 9799.15, 9799.19 and 9799.25.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.22 (2011)

§ 9799.22. Enforcement. [Effective December 20, 2012]

(a) *Failure to comply.* --When an individual set forth in section 9799.13 (relating to applicability) fails to comply with section 9799.21(1), (2) or (3)(relating to penalty), the Pennsylvania State Police shall:

(1) locate and arrest the individual for violating this section; or

(2) notify the municipal police department where the individual has a residence, is employed or is enrolled as a student. The municipal police shall locate and arrest the individual for violating this section. In municipalities where no municipal police department exists, the Pennsylvania State Police shall proceed under paragraph (1).

(b) *When individual cannot be found.* --In the event the individual cannot be located, the Pennsylvania State Police shall:

(1) Enter information on the Internet website of sexual offenders and in the registry indicating that the individual cannot be located.

(2) Provide information to the National Sex Offender Registry and NCIC to reflect that the individual cannot be located.

(3) Notify the United States Marshals Service.

(4) In cooperation with the district attorney, seek issuance of a warrant for the arrest of the individual. If a warrant is issued pursuant to this paragraph, the Pennsylvania State Police shall provide information to the National Crime Information Center Wanted Person File to reflect that a warrant has been issued for the individual's arrest.

(c) *Notice from another jurisdiction.* --When another jurisdiction notifies the Commonwealth that a sexual offender has terminated residence, employment or enrollment as a student in that jurisdiction and intends to establish a residence in this Commonwealth, commence employment in this Commonwealth or commence enrollment as a student in this Commonwealth, and that sexual offender fails to appear in this Commonwealth to register as provided in section

9799.15 (relating to period of registration), the Pennsylvania State Police shall notify the other jurisdiction that the sexual offender failed to appear.

(d) *Duty to inform Pennsylvania State Police.* --In order to implement the provisions of section 9799.15 and section 9799.19 (relating to initial registration), the court with jurisdiction over the sexual offender, the chief juvenile probation officer of the court and the appropriate official of the Pennsylvania Board of Probation and Parole, the county office of probation and parole, the Department of Public Welfare or a State or county correctional institution shall inform the Pennsylvania State Police if the individual refuses to provide the information required. The Pennsylvania State Police shall locate and arrest the individual for a violation of 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration of sexual offenders requirements).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.23 (2011)

§ 9799.23. Court notification and classification requirements [Effective December 20, 2012]

(a) *Notice to sexual offenders.* --At the time of sentencing or disposition, in the case of a juvenile offender or sexually violent delinquent child, the court shall inform the sexual offender of the provisions of this subchapter. The court shall:

(1) Specifically inform the sexual offender of the duty to register under this subchapter.

(2) Specifically inform the sexual offender of the duty to register in accordance with sections 9799.15 (relating to period of registration), 9799.16(b) (relating to registry), 9799.19 (relating to initial registration) and 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

(3) Specifically inform the sexual offender of the duty to register with authorities in another jurisdiction within three business days of:

(i) Commencement of residence, change of residence, termination of residence or failure to maintain a residence, thus making the sexual offender a transient.

(ii) Commencement of employment, a change in the location or entity in which the sexual offender is employed or termination of employment.

(iii) Commencement of enrollment as a student, a change in enrollment as a student or termination of enrollment as a student.

(4) In accordance with section 9799.16(c), order that the fingerprints, palm prints, DNA sample and photograph of the sexual offender be provided to the Pennsylvania State Police upon sentencing.

(5) Require the sexual offender to read and sign a form stating that the duty to register under this subchapter has been explained. If the sexual offender is incapable of speaking, reading or writing the English language, the court shall certify the duty to register was explained to the sexual offender, and the sexual offender indicated an understanding of

the duty.

(6) Specifically classify the individual as one of the following:

- (i) An individual convicted of a Tier I offense.
- (ii) An individual convicted of a Tier II offense.
- (iii) An individual convicted of a Tier III offense.
- (iv) A sexually violent predator.
- (v) A juvenile offender.
- (vi) A sexually violent delinquent child.

(b) *Mandatory registration.* --All sexual offenders must register in accordance with this subchapter. The following apply:

(1) Failure by the court to provide the information required in this section, to correctly inform a sexual offender of the sexual offender's obligations or to require a sexual offender to register shall not relieve the sexual offender from the requirements of this subchapter.

(2) Except as provided in section 9799.17 (relating to termination of period of registration for juvenile offenders), the court shall have no authority to relieve a sexual offender from the duty to register under this subchapter or to modify the requirements of this subchapter as they relate to the sexual offender.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.24 (2011)

§ 9799.24. Assessments. [Effective December 20, 2012]

(a) *Order for assessment.* --After conviction but before sentencing, a court shall order an individual convicted of a sexually violent offense to be assessed by the board. The order for an assessment shall be sent to the administrative officer of the board within ten days of the date of conviction for the sexually violent offense.

(b) *Assessment.* --Upon receipt from the court of an order for an assessment, a member of the board as designated by the administrative officer of the board shall conduct an assessment of the individual to determine if the individual should be classified as a sexually violent predator. The board shall establish standards for evaluations and for evaluators conducting the assessments. An assessment shall include, but not be limited to, an examination of the following:

(1) Facts of the current offense, including:

(i) Whether the offense involved multiple victims.

(ii) Whether the individual exceeded the means necessary to achieve the offense.

(iii) The nature of the sexual contact with the victim.

(iv) Relationship of the individual to the victim.

(v) Age of the victim.

(vi) Whether the offense included a display of unusual cruelty by the individual during the commission of the crime.

(vii) The mental capacity of the victim.

(2) Prior offense history, including:

(i) The individual's prior criminal record.

(ii) Whether the individual completed any prior sentences.

(iii) Whether the individual participated in available programs for sexual offenders.

(3) Characteristics of the individual, including:

(i) Age.

(ii) Use of illegal drugs.

(iii) Any mental illness, mental disability or mental abnormality.

(iv) Behavioral characteristics that contribute to the individual's conduct.

(4) Factors that are supported in a sexual offender assessment field as criteria reasonably related to the risk of reoffense.

(c) *Release of information.* --All State, county and local agencies, offices and entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing copies of records and information as requested by the board in connection with the court-ordered assessment and the assessment requested by the Pennsylvania Board of Probation and Parole or the assessment of a delinquent child under section 6358 (relating to assessment of delinquent children by the State sexual offenders assessment board).

(d) *Submission of report by board.* --The board shall have 90 days from the date of conviction of the individual to submit a written report containing its assessment to the district attorney.

(d.1) *Summary of offense.* --The board shall prepare a description of the offense or offenses that trigger the application of this subchapter to include, but not be limited to:

(1) A concise narrative of the individual's conduct.

(2) Whether the victim was a minor.

(3) The manner of weapon or physical force used or threatened.

(4) If the offense involved unauthorized entry into a room or vehicle occupied by the victim.

(5) If the offense was part of a course or pattern of conduct involving multiple incidents or victims.

(6) Previous instances in which the individual was determined guilty of an offense subject to this subchapter or of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses).

(1) *Hearing.* --A hearing to determine whether the individual is a sexually violent predator shall be scheduled upon the praecipe filed by the district attorney. The district attorney upon filing a praecipe shall serve a copy of the praecipe upon defense counsel together with a copy of the report of the board.

(2) The individual and district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. In addition, the individual shall have the right to counsel and to have an attorney appointed to represent the individual if the individual cannot afford one. If the individual requests another expert assessment, the individual shall provide a copy of the expert assessment to the district attorney prior to the hearing.

(3) At the hearing prior to sentencing, the court shall determine whether the Commonwealth has proved by clear and convincing evidence that the individual is a sexually violent predator.

(4) A copy of the order containing the determination of the court shall be immediately submitted to the individual, the district attorney, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board and the Pennsylvania State Police.

(f) *Presentence investigation.* --In all cases where the board has performed an assessment under this section, copies of the report shall be provided to the agency preparing the presentence investigation.

(g) *Parole assessment.* --The Pennsylvania Board of Probation and Parole may request of the board that an assessment of a sexual offender be conducted and that a report be provided to the Pennsylvania Board of Probation and Parole prior to considering a sexual offender for parole.

(h) *Delinquent children.* --The probation officer shall notify the board 90 days prior to the 20th birthday of the child of the status of the delinquent child who is committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) after having been found delinquent for an act of sexual violence that if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest), together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality as defined in section 6402 (relating to definitions) or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court within the time frames set forth in section 6358(c). The probation officer shall assist the board in obtaining access to the child and any records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.25 (2011)

§ 9799.25. Verification by sexual offenders and Pennsylvania State Police. [Effective December 20, 2012]

(a) *Periodic verification.* --Except for initial registration as provided in section 9799.19 (relating to initial registration) and in accordance with section 9799.15(a) (relating to period of registration), sexual offenders shall verify the information provided in section 9799.16(b) (relating to registry) and be photographed as follows:

(1) An individual convicted of a Tier I sexual offense shall appear in person at an approved registration site annually.

(2) An individual convicted of a Tier II sexual offense shall appear in person at an approved registration site semiannually.

(3) An individual convicted of a Tier III sexual offense shall appear in person at an approved registration site quarterly.

(4) An individual designated as a sexually violent predator shall appear in person at an approved registration site quarterly.

(5) A juvenile offender shall appear in person at an approved registration site quarterly.

(6) A sexually violent delinquent child shall appear in person at an approved registration site quarterly.

(7) A transient shall appear in person at an approved registration site monthly.

(8) An individual required to register under section 9799.13(7.1) (relating to applicability) shall annually appear in person at an approved registration site.

(b) *Deadline.* --The following apply:

(1) A sexual offender shall appear as required under subsection (a) within ten days of the date designated by the

Pennsylvania State Police. Failure to appear within ten days may subject the sexual offender to prosecution under 18 Pa.C.S. section 4915.1 (relating to failure to comply with registration requirements).

(2) In the case of a sexual offender who fails to appear as required under this section, the Pennsylvania State Police shall notify the municipal police department where the sexual offender has a residence, is employed or is enrolled as a student. The municipal police shall locate the sexual offender and arrest the sexual offender for violating this section. A municipal police department may request assistance locating or arresting a sexual offender from the Pennsylvania State Police. In municipalities where no municipal police department exists, the Pennsylvania State Police shall locate the offender and arrest the sexual offender for violating this section.

(3) In the case of a sexual offender who fails to appear as required under this section, the Pennsylvania State Police shall notify the United States Marshals Service in accordance with section 9799.22(b)(3) (relating to enforcement).

(c) *Facilitation of verification.* --The Pennsylvania State Police shall administer and facilitate the process of verification of information, including compliance with counseling in the case of sexually violent predators, and photographing the sexual offender by:

(1) Sending a notice by first class United States mail to each sexual offender at the offender's last reported residence or location, including a post office box. The notice shall be sent not more than 30 days nor less than 15 days prior to the date a sexual offender is required to appear pursuant to subsection (a). The notice shall remind the sexual offender of the sexual offender's responsibilities under this subchapter, including counseling in the case of sexually violent predators, and provide a list of approved registration sites.

(2) Providing verification and compliance forms as necessary at each approved registration site.

(d) *Effect of notice.* --Failure to send or receive notice of information under this section shall not relieve the sexual offender from the requirements of this subchapter.

(e) *Natural disaster.* --The occurrence of a natural disaster or other event requiring evacuation of residences shall not relieve the sexual offender of the duty to register or any other duty imposed by this subchapter.

(f) *Residents in group-based homes.*

(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals who are required to register under this chapter as sexually violent predators.

(2) A group-based home that violates paragraph (1) shall be subject to a civil penalty in the amount of \$ 2,500 for a first violation and in the amount of \$ 5,000 for a second or subsequent violation.

(3) The Pennsylvania State Police or local law enforcement agency of jurisdiction shall investigate compliance with this subsection, and the Attorney General or district attorney may commence a civil action in the court of common pleas of the county in which a group-based home is located to impose and collect from the group-based home the penalty under paragraph (2).

(4) As used in this subsection, the term "group-based home" has the meaning given to it in 61 Pa.C.S. § 6124(c) (relating to certain offenders residing in group-based homes).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.26 (2011)

§ 9799.26. Victim notification. [Effective December 20, 2012]

(a) *Duty to inform victim.*

(1) If an offender is determined to be a sexually violent predator or a sexually violent delinquent child, the municipal police department or the Pennsylvania State Police, if no municipal police jurisdiction exists, shall give written notice to the victim when the sexually violent predator or the sexually violent delinquent child registers initially under section 9799.19 (relating to initial registration) or under section 9799.15(g)(2), (3) or (4) (relating to period of registration). The notice shall be given within 72 hours after the sexually violent predator or the sexually violent delinquent child registers or notifies the Pennsylvania State Police of current information under section 9799.15(g). The notice shall contain the following information about the sexually violent predator or sexually violent delinquent child:

(i) Name.

(ii) Residence. This subparagraph includes whether the sexually violent predator or sexually violent delinquent child is a transient, in which case the notice shall contain information about the transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park. In addition, the notice shall contain a list of places the transient eats, frequents and engages in leisure activities.

(iii) The address of employment.

(iv) The address where the sexually violent predator or sexually violent delinquent child is enrolled as a student.

(2) A victim may terminate the duty to inform set forth in paragraph (1) by providing the local municipal police department or the Pennsylvania State Police, if no local municipal police department exists, with a written statement releasing that agency from the duty to comply with this section as it pertains to that victim.

(b) *Individual not determined to be sexually violent predator or sexually violent delinquent child.* --If an individual is not determined to be a sexually violent predator or a sexually violent delinquent child, the victim shall be notified in accordance with section 201 of the act of November 24, 1998 (P.L. 882, No. 111), known as the Crime

Victims Act.

(c) *Electronic notification option.* --In addition to subsections (a) and (b), the Pennsylvania State Police shall develop and implement a system that allows a victim to receive electronic notification instead of the notification in subsections (a) and (b) when a sexual offender provides current information to the Pennsylvania State Police under subsection (a).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.27 (2011)

§ 9799.27. Other notification. [Effective December 20, 2012]

(a) *Notice.* --Notwithstanding the provisions of Chapter 63 (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the chief law enforcement officer of the police department of the municipality where a sexually violent predator or sexually violent delinquent child lives or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the chief law enforcement officer of the police department of the transient's last known habitat, shall be responsible for providing written notice as required under this section. The notice shall contain:

(1) The name of the individual.

(2) The address of the residence of the individual. If the individual is a transient, written notice under this paragraph shall consist of information about the transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park and a list of the places the transient eats, frequents and engages in leisure activities.

(3) The offense for which the individual was convicted, sentenced by a court, adjudicated delinquent or court martialled.

(4) A statement that the individual has been determined to be a sexually violent predator or sexually violent delinquent child, which determination has or has not been terminated as of a date certain.

(5) A photograph of the sexually violent predator or sexually violent delinquent child.

The notice shall not include any information that might reveal the victim's name, identity and residence.

(b) *To whom written notice is provided.* --The chief law enforcement officer shall provide written notice under subsection (a) to the following persons:

(1) Neighbors of the sexually violent predator or sexually violent delinquent child. As used in this paragraph:

(i) In the case of a sexually violent predator or sexually violent delinquent child being a transient, "neighbor" includes residents in the area of the transient's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(ii) Where the sexually violent predator lives in a common interest community, the term "neighbor" includes the unit owners' association and residents of the common interest community.

(2) The director of the county children and youth agency of the county where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the director of the county children and youth agency of the county of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(3) The superintendent of each school district and the equivalent official for each private and parochial school enrolling students up through grade 12 in the municipality where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the superintendent of each school district and the equivalent official for private and parochial schools enrolling students up through grade 12 in the municipality of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(4) The superintendent of each school district and the equivalent official for each private and parochial school located within a one-mile radius of where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the superintendent of each school district and the equivalent official for each private and parochial school within a one-mile radius of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(5) The licensee of each certified day-care center and licensed preschool program and owner or operator of each registered family day-care home in the municipality where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the licensee of each certified day-care center and licensed preschool program and owner or operator of each registered family day-care home in the municipality of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(6) The president of each college, university and community college located within 1,000 feet of where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the president of each college, university and community college located within 1,000 feet of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(c) *Notification time frames.* --The municipal police department's chief law enforcement officer shall provide notice within the following time frames:

(1) To neighbors, notice shall be provided within five days after information of the sexually violent predator's or sexually violent delinquent child's release date and residence has been received by the chief law enforcement officer. Notwithstanding the provisions of subsections (a) and (b), verbal notification may be used if written notification would delay meeting the requirement of this paragraph.

(2) To the persons specified in subsection (b)(2), (3), (4), (5) and (6), notice shall be provided within seven days

after the chief law enforcement officer receives information regarding the sexually violent predator's or sexually violent delinquent child's release date and residence.

(d) *Public notice.* --Information provided in accordance with subsection (a) shall be available to the general public upon request. The information may be provided by electronic means.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.28 (2011)

§ 9799.28. Public Internet website. [Effective December 20, 2012]

(a) *Information to be made available through internet.* --The Pennsylvania State Police shall, in the manner and form directed by the Governor:

(1) Develop and maintain a system for making information about individuals convicted of a sexually violent offense, sexually violent predators and sexually violent delinquent children publicly available by electronic means via an Internet website. In order to fulfill its duties under this section, the Pennsylvania State Police shall ensure that the Internet website:

(i) Contains a feature to permit a member of the public to obtain relevant information for an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child by a single query for any given zip code or geographic radius set by the user.

(ii) Contains a feature to allow a member of the public to receive electronic notification when an individual convicted of a sexually violent offense, sexually violent predator or sexually violent delinquent child provides information under section 9799.15(g)(2), (3) or (4) (relating to period of registration) relating to a geographic area chosen by the user.

(iii) Includes in its design all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website. The Pennsylvania State Police shall ensure that the website is able to participate in the Dru Sjodin National Sex Offender Public Website as the United States Attorney General may direct.

(iv) Is updated within three business days with the information required.

(2) Include on the Internet website the following:

(i) Instructions on how to seek correction of information that an individual contends is erroneous.

(ii) A warning that the information on the Internet website should not be used to unlawfully injure, harass or

commit a crime against an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child and that any such action could result in criminal or civil penalties.

(3) Include on the Internet website an explanation of its limitations, including statements advising that:

(i) A positive identification of an individual convicted of a sexually violent offense, sexually violent predator or sexually violent delinquent child may be confirmed only by fingerprints.

(ii) Some information contained on the internet website may be outdated or inaccurate.

(iii) The Internet website is not a comprehensive listing of every person who has ever committed a sexual offense in Pennsylvania.

(4) Strive to ensure that the information contained on the Internet website is accurate and that the data therein is revised and updated as provided in paragraph (1)(iv).

(5) Provide on the Internet website general information designed to inform and educate the public about sexual offenders and the operation of this subchapter as well as pertinent and appropriate information concerning crime prevention and personal safety, with appropriate links to other relevant Internet websites operated by the Commonwealth.

(b) *Required information.* --Notwithstanding Chapter 63 (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the Internet website shall contain the following information regarding an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child:

(1) Name and aliases.

(2) Year of birth.

(3) Street address, city, county and zip code of residences and intended residences. In the case of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child who fails to establish a residence and is therefore a transient, the Internet website shall contain information about the transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park. In addition, the Internet website shall contain a list of places the transient eats, frequents and engages in leisure activities.

(4) Street address, city, county and zip code of any location at which an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is enrolled as a student.

(5) Street address, city, county and zip code of a fixed location where an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is employed. If an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is not employed at a fixed address, the information shall include general travel routes and general areas of work.

(6) Current photograph of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.

(7) Physical description of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.

(8) License plate number and a description of a vehicle owned or operated by an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.

(9) The sexually violent offense for which an individual convicted of a sexually violent offense, a sexually violent

predator or a sexually violent delinquent child is registered under this subchapter.

(10) A statement whether an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is in compliance with registration.

(11) A statement whether the victim is a minor.

(c) *Prohibited information.* --The public Internet website established under this section shall not contain:

(1) The identity of any victim.

(2) The Social Security number of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.

(3) Any information relating to arrests of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child that did not result in conviction.

(4) Travel and immigration document numbers.

(d) (Reserved).

(e) *Duration of posting.* --The information listed in subsection (b) shall be made available on the Internet website unless:

(1) An individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is deceased, in which case the Internet website shall contain a notice of the death.

(2) An individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child has terminated residence, has terminated employment or has terminated enrollment as a student within this Commonwealth, in which case the Internet website shall contain a notice indicating such information.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.29 (2011)

§ 9799.29. Administration [Effective December 20, 2012]

The Governor shall direct the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the board, the Department of Corrections, the Department of Transportation and any other agency of the Commonwealth that the Governor deems necessary to collaboratively design, develop and implement an integrated and secure system of communication, storage and retrieval of information to assure the timely, accurate and efficient administration of this subchapter.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.30 (2011)

§ 9799.30. Global positioning system technology [Effective December 20, 2012]

The Pennsylvania Board of Probation and Parole and county probation authorities may impose supervision conditions that include tracking through global positioning system technology.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.31 (2011)

§ 9799.31. Immunity for good faith conduct [Effective December 20, 2012]

The following entities shall be immune from liability for good faith conduct under this subchapter:

- (1) Agents and employees of the Pennsylvania State Police and local law enforcement agencies.
- (2) District attorneys and their agents and employees.
- (3) Superintendents, administrators, teachers, employees and volunteers engaged in the supervision of children of any public, private or parochial school.
- (4) Directors and employees of county children and youth agencies.
- (5) Presidents or similar officers of universities and colleges, including community colleges.
- (6) The Pennsylvania Board of Probation and Parole and its agents and employees.
- (7) County probation and parole offices and their agents and employees.
- (8) Licensees of certified day-care centers and directors of licensed preschool programs and owners and operators of registered family day-care homes and their agents and employees.
- (9) The Department of Corrections and its agents and employees.
- (10) County correctional facilities and their agents and employees.
- (11) The board and its members, agents and employees.
- (12) Juvenile probation offices and their agents and employees.
- (13) The Department of Public Welfare and its agents and employees.

(14) Institutions or facilities set forth in section 6352(a)(3) (relating to disposition of delinquent child) and their agents and employees.

(15) The unit owners' association of a common interest community and its agents and employees as it relates to distributing information regarding section 9799.27(b)(1) (relating to other notification).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.32 (2011)

§ 9799.32. Pennsylvania State Police [Effective December 20, 2012]

The Pennsylvania State Police have the following duties:

(1) To create and maintain the Statewide registry of sexual offenders in conformity with the provisions of this subchapter.

(2) In consultation with the Department of Corrections, the Office of Attorney General, the Juvenile Court Judges' Commission, the Administrative Office of Pennsylvania Courts, the Pennsylvania Board of Probation and Parole and the chairman and minority chairman of the Judiciary Committee of the Senate and the chairman and minority chairman of the Judiciary Committee of the House of Representatives, to promulgate guidelines necessary for the general administration of this subchapter. These guidelines shall establish procedures to allow an individual subject to the requirements of this subchapter, including a transient, to fulfill these requirements at approved registration sites throughout this Commonwealth. The Pennsylvania State Police shall publish a list of approved registration sites in the Pennsylvania Bulletin and provide a list of approved registration sites in any notice sent to individuals required to register under this subchapter. An approved registration site shall be capable of submitting fingerprints, palm prints, DNA samples and any other information required electronically to the Pennsylvania State Police. The Pennsylvania State Police shall require that approved registration sites submit fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in such form as the Pennsylvania State Police shall require. Approved registration sites shall not be limited to sites managed by the Pennsylvania State Police and shall include sites managed by local law enforcement agencies that meet the criteria for approved registration sites set forth in this paragraph.

(3) To write regulations regarding neighbor notification under section 9799.27(b)(1) (relating to other notification).

(4) Within three business days, to transfer information as set forth in section 9799.18 (relating to information sharing).

(5) To enforce the provisions of this subchapter as set forth in section 9799.22 (relating to enforcement).

(6) To facilitate verification of information from individuals required to register under this subchapter as provided in section 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

(7) In consultation with the Department of Education and the Pennsylvania Board of Probation and Parole, to promulgate guidelines directing licensed day-care centers, licensed preschool programs, schools, universities and colleges, including community colleges, on the proper use and administration of information received under section 9799.27.

(8) In consultation with the Department of Corrections and the Pennsylvania Board of Probation and Parole, to promulgate guidelines directing State and county correctional facilities and State and county probation and parole offices regarding the completion of information, including the taking of photographs, required by sexual offenders under this subchapter.

(9) In consultation with the Administrative Office of Pennsylvania Courts, the Department of Public Welfare and the Juvenile Court Judges' Commission, to promulgate guidelines regarding the completion of information required by juvenile offenders and sexually violent delinquent children under this subchapter.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.33 (2011)

§ 9799.33. Duties of probation and parole officials [Effective December 20, 2012]

(a) *Duties.* --The Pennsylvania Board of Probation and Parole, the county office of probation and parole and the chief juvenile probation officer of the court shall:

(1) Perform their respective duties set forth for the Pennsylvania Board of Probation and Parole, the county office of probation and parole and the chief juvenile probation officer of the court in accordance with section 9799.19 (relating to initial registration).

(2) On a form prescribed by the Pennsylvania State Police, notify the Pennsylvania State Police each time a sexual offender is arrested, recommitted to a State or county correctional institution for a parole violation or incarcerated.

(b) *Notification form.* --The Pennsylvania Board of Probation and Parole shall create a notification form which will inform State and county prison and probation and parole personnel how to inform sexual offenders of their duties under this subchapter. In addition, the Pennsylvania Board of Probation and Parole shall apply for Federal funding as provided in the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, *120 Stat. 597*) to support and enhance programming using global satellite positioning system technology.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.34 (2011)

§ 9799.34. Duties of facilities housing sexual offenders. [Effective December 20, 2012]

The Department of Corrections, a county correctional facility, an institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child) and the separate, State-owned facility or unit established under Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons), shall have the following duties:

(1) To perform their respective duties in accordance with section 9799.19 (relating to initial registration). This paragraph includes taking a current photograph of the individual required to register under this subchapter before the individual is released from confinement or commitment or is discharged.

(2) On a form prescribed by the Pennsylvania State Police, to notify the Pennsylvania State Police each time a sexual offender is incarcerated, committed or released, including supervised release or transfer to another correctional institution or facility or institution, in the case of a juvenile offender or sexually violent delinquent child. This paragraph shall include a community corrections center or community contract facility.

(3) To assist sexual offenders registering under this subchapter.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.35 (2011)

§ 9799.35. Board. [Effective December 20, 2012]

(a) *Composition.* --The board shall be composed of psychiatrists, psychologists and criminal justice experts, each of whom is an expert in the field of the behavior and treatment of sexual offenders.

(b) *Appointment.* --The Governor shall appoint the board members.

(c) *Term of office.* --Members of the board shall serve four-year terms.

(d) *Compensation.* --The members of the board shall be compensated at a rate of \$ 350 per assessment and receive reimbursement for their actual and necessary expenses while performing the business of the board. The chairman shall receive \$ 500 additional compensation annually.

(e) *Staff.* --Support staff for the board shall be provided by the Pennsylvania Board of Probation and Parole.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.36 (2011)

§ 9799.36. Counseling of sexually violent predators [Effective December 20, 2012]

(a) *General rule.* --A sexually violent predator shall be required to attend at least monthly counseling sessions in a program approved by the board and be financially responsible for all fees assessed from the counseling sessions. The board shall monitor the compliance of the sexually violent predator. If the sexually violent predator can prove to the satisfaction of the court that the sexually violent predator cannot afford to pay for the counseling sessions, the sexually violent predator shall nonetheless attend the counseling sessions, and the parole office shall pay the requisite fees.

(b) *Designation in another jurisdiction.* --If an individual required to register under this subchapter has been designated as a sexually violent predator in another jurisdiction and was required to undergo counseling, the individual shall be subject to the provisions of this section.

(c) *Penalty.* --A sexually violent predator who knowingly fails to attend counseling sessions as provided in this section may be subject to prosecution under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.37 (2011)

§ 9799.37. Exemption from notification for certain licensees and their employees [Effective December 20, 2012]

Nothing in this subchapter shall be construed as imposing a duty upon a person licensed under the act of February 19, 1980 (P.L. 15, No. 9), known as the Real Estate Licensing and Registration Act, or an employee of the person, to disclose any information regarding an individual required to be included in the registry pursuant to this subchapter.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.38 (2011)

§ 9799.38. Annual performance audit. [Effective December 20, 2012]

(a) *Duties of the Attorney General.* --The Attorney General has the following duties:

(1) To conduct a performance audit annually to determine compliance with the requirements of this subchapter and any guidelines promulgated under this subchapter. The audit shall, at a minimum, include a review of the practices, procedures and records of the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts and any other State or local agency the Attorney General deems necessary in order to conduct a thorough and accurate performance audit.

(2) To prepare an annual report of its findings and any action that it recommends be taken by the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, other State or local agencies and the General Assembly to ensure compliance with this subchapter. The first report shall be released to the general public no fewer than 18 months following the effective date of this section.

(3) To provide a copy of its report to the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, State or local agencies referenced in the report, the chairman and the minority chairman of the Judiciary Committee of the Senate and the chairman and the minority chairman of the Judiciary Committee of the House of Representatives no fewer than 30 days prior to its release to the general public.

(b) *Cooperation required.* --Notwithstanding any other provision of law to the contrary, the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, the Pennsylvania Commission on Sentencing and any other State or local agency requested to do so shall fully cooperate with the Attorney General and assist the Office of Attorney General in satisfying the requirements of this section. For purposes of this subsection, full cooperation shall include, at a minimum, complete access to unredacted records, files, reports and data systems.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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* December 30, 2011 Annotation Service. *

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42 Pa.C.S. § 9799.39 (2011)

§ 9799.39. Photographs and fingerprinting [Effective December 20, 2012]

An individual subject to registration shall submit to fingerprinting and photographing as required by this subchapter. Fingerprinting as required by this subchapter shall, at a minimum, require submission of a full set of fingerprints and palm prints. Photographing as required by this subchapter shall, at a minimum, require submission to photographs of the face and any scars, marks, tattoos or other unique features of the individual. Fingerprints and photographs obtained under this subchapter may be maintained for use under this subchapter and for general law enforcement purposes.

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.40 (2011)

§ 9799.40. Duties of Pennsylvania Commission on Sentencing [Effective December 20, 2012]

The Pennsylvania Commission on Sentencing shall establish procedures to enable courts to classify sexual offenders as provided in section 9799.23 (relating to court notification and classification requirements).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. in 1 year.

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42 Pa.C.S. § 9799.41 (2011)

§ 9799.41. Expiration

The following provisions shall expire one year after the effective date of this section:

Section 9718.3 (relating to sentence for failure to comply with registration of sexual offenders).

Section 9791 (relating to legislative findings and declaration of policy).

Section 9792 (relating to definitions).

Section 9795.1 (relating to registration).

Section 9795.2 (relating to registration procedures and applicability).

Section 9795.3 (relating to sentencing court information).

Section 9795.4 (relating to assessments).

Section 9795.5 (relating to exemption from certain notifications).

Section 9796 (relating to verification of registration information).

Section 9797 (relating to victim notification).

Section 9798 (relating to other notification).

Section 9798.1 (relating to information made available on the internet).

Section 9798.2 (relating to administration).

Section 9798.3 (relating to global positioning system technology).

Section 9799 (relating to immunity for good faith conduct).

Section 9799.1 (relating to duties of Pennsylvania State Police).

Section 9799.2 (relating to duties of Pennsylvania Board of Probation and Parole).

Section 9799.3 (relating to board).

Section 9799.4 (relating to counseling of sexually violent predators).

Section 9799.7 (relating to exemption from notification for certain licensees and their employees).

Section 9799.8 (relating to annual performance audit).

Section 9799.9 (relating to photographs and fingerprinting).

HISTORY: Act 2011-111 (S.B. 1183), § 12, approved Dec. 20, 2011, eff. immediately.